I. Delhi Sales Tax (Fourth Amendment) Rules, 1986

II. Public Provident Fund (Amendment) Scheme, 1986

III. Notications of the Ministry of Finance (Department of Revenue) and related papers

SHRI B. K. GADHVI: Sir I also beg to lay on the Table—

I. A copy (in English and Hindi) of the Delhi Administration Notification No. F. 4 38/83, Fin.(G), dated the 15th May, 1986, publishing the Delhi Sales Tax (Fourth Amendment) Rules, 1986, under section 72 of the Delhi Sales Act, 1975. [Placed in Library. *See* No. LT-2739/8]

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs) Notification G.S.R. No. 895(E), dated the 23rd June, 1986, publishing the Public Provident Fund (Amendment) Scheme, 1986 under Section 12 of the Public Provident Fund Act, 1968. [Placed in Library. *See* No. LT-2746/85].

III. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue) together with Explanatory Memoranda thereon:—

(i) G.S.R. No. 744(E), dated the 13th May, 1986, making certain amendment to Notification No. 139/78-Central Excise dated the 4th July, 1978.

(ii) G.S.R. No. 760(E), dated the 14th May, 1986, exempting tea bags falling under sub-heading No. 0902. 13 of the Schedule to the Central Excise Tariff Act 1985 (5 of 1986), from the whole of the duty of excise leviable thereon.

(iii) G.S.R. No. 771(E), dated the 16th May, 1986, exempting compressed air falling within chapter 28 or 38 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), from the whole of the duty of excise leviable thereon.

(iv) G.S.R. No. 772(E), dated the 16th May, 1986, making certain amendment to Notification No. 63/82-Central Excise, dated the 28th February, 1982.

(v) G.S.R. No. 773(E), dated the 16th May, 1986, exempting gummed or adhesive paper in rolls, falling under sub-heading No. 4817, 10 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), from so much of the duty of excise leviable thereon which is specified in the said Schedule as is in excess of the amount calculated at the rate of 15 per cent *ad valorem*.

(vi) G.S.R. No. 774(E), dated the 16th May, 1986, making certain amendment to Notification No. 44/86-Central Excise dated the 10th February, 1986.

(vii) G.S.R. No. 842(E), dated 11th June, 1986, exempting clay the 11th June, 1986, exempting clay bricks manufactured in mechanised brick plants (other than fire clay bricks) and falling within chapter 69 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), from the whole of the duty of excise leviable thereon.

(viii) G.S.R. No. 919(E), dated the 27th June, 1986, making certain amendment to Notification No. 75/84, Central Excise dated the 1st March, 1984. [Placed in Library. *See* No. LT-2743/86 for (i) to (viii)].

Commissions of Inquiry (Amendment) ordinance, 1986

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SITARAM KESRI): Sir, I beg to lay on the Table under sub-clause (a) of clause (2) of article 123 of the Constitution, a copy (in English and Hindi) of the Commissions of Inquiry (Amendment) Ordinance, 1986 (No. 6 of 1986). [Placed in Library. *See* No. LT-2736/86].

MR. CHAIRMAN: Now Mr. Chitta Basu has sent me an objection. I will ask him to take the floor to raise the objection.

SHRI CHITTA BASU (West Bengal): Sir, this is an example of Ordinance making power by the Government. This very 'Ordinance' which the hon. Minister has risen to place it before the Table is a contempt of Parliament. Sir, as you know and everybody knows here that the Constitution gives enormous power to the Government to legislate through Ordinance under article 123. The object of the Constitution make was—if I am allowed to speak in the language of Dr. Ambedkar—I quote:

> "Emergency must be dealt with and it seems to me that the only solution is to confer on this President the power to promulgate the law which will enable the executive to deal with the particular situation."

From this very remark it is very clear that the Ordinance making power has been given to the Government only to meet a particular situation—if the Government deems it to be of an emergent nature. Now in this particular Ordinance the hon. Minister is responsible to explain to this House—what was that particular situation which warranted an Ordinance of this nature? According to me, Sir, there was no particular situation which may be called an 'emergent situation' which warrants a promulgation of Ordinance of this nature. Sir, I would not have risen to object it had I not been convinced of the fact that the Government has got—I won't say malafied intention, but Government's intention was not good and fair enough. If the Government had no intention of bypassing the Parliament they could have brought forward the Bill before the Parliament even before Parliament was prorogued. Sir, the Ordinance was promulgated as the facts state on the 15th May, 1986. You as the Chairman of the House have adjourned this House—the Rajya Sabha *Sine die* on the 14th May and this house was prorogued on the 17th May. It is quite clear that this House was in session till the 17th May, because on the 17th May the House was prorogued. The Lok Sabha was prorogued on the 12th May, if the Government had no intention of bypassing the Parliament they could have brought forward a Bill before the 12th May when the Lok Sabha was prorogued. If the Government had not bad intention of bypassing this Parliament they could have brought forward this Bill in this House on the 14th May before the House was adjourned *sine die*. This very fact clearly indicates that the Government wants to bypass this Parliament which is sovereign. Therefore, we cannot allow an Ordinance of this nature to be placed which denigrates the Parliament which takes away the right of the Parliment to legislate. (*Time bell rings.*) I will be completing within one minute. I know the limitations and it is not the stage of discussing the merits of the Bill. I am well aware of the limitations under which I am speaking and you have been very kind to allow me to make this submission. This very Ordinance is an attempt to commit a contempt of the House. I deliberately use the words 'contempt of the House' because the parent Act guaranteed a right of the Parliament to know the report of the Committee set up by the Enquiries Commission of 1952. This was a right of the Parliament and this right was given by the Parliament itself and not as gift by the executive authority. The original Act of 1952 did not provide for the compulsory submission of the Report of the Legislature to the parliament

It was subsequently in 1971 that the Parliament on the basis of the recommendation of the Joint Committee of the parliament introduced it and it was made a part of the Act of 1952 by way of an amendment—the right which was being enjoyed by the Parliament by the Commission of Enquiries Act of 1971. (*Interruption*).

MR. CHAIRMAN: You are going into the merits now.

SHRI CHITTA BASU: Therefore, that right has been taken away by an executive order which is a clear malafied intention of bypassing this Parliament. This constitutes a contempt of Parliament. Sir, I rise in protest against this kind of authoritarian and draconian steps taken by the Government and with your kind permission, I protest.

MR. CHAIRMAN: Uuder Article 123, sub-clause 2 (a) of the Constitution, the Ordinance has got to be placed before both the Houses. All the points which Mr. Chitta Basu raised may be relevant but not at this stage. There is another opportunity for the hon. Members to raise their objections both with regard to the timings as well as with regard to the merits of the case. Therefore, I do not see any point of order and I allow the papers to be placed on the Table of the House.

I. Report And Accounts (1984-85) of the Coconut Development Board, Cochin And Related Papers

II. Notification Under The Essential Commodities Act, 1955

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT (SHRI RAMANAND YADAV): Sir on behalf of Shri Yogendra Makwana, I beg to lay on the Table—

I. A copy each (in English and Hindi) of the following papers:—

(i) Annual Report of the Coconut Development Board, Cochin, for the year 1984-85, under sub-section (4) of section 17 of the Coconut Development Board Act, 1979.

(ii) Annual Accounts of the Coconut Development Board, Cochin, for the year 1984-85, and the Audit Report thereon, under sub-section (4) of section 15 of the Coconut Development Board Act, 1979.

(iii) Review by Government on on the working of the Board.

(iv) Statement giving reasons for the delay in laying the papers mentioned at (i) and (ii) above.

[Placed in Library. *See* No. LT-2750/86 for (i) to (iv).]

II. A copy (in English and Hindi) of the Ministry of Agriculture (Department of Agriculture and Cooperation) Notification G. S. R. No. 797(E), dated the 22nd May, 1986, indicating the supplies of fertilisers to be made by domestic manufacturers of Fertilisers to various States/Union Territories/ Commodity Boards during the period 1st April, 1986 to 30th September, 1986 (Kharif, 1986), under sub-section (6) of section 3 of the Essential Commodities Act, 1955.

[Placed in Library. *See* No. LT-2749/86.]